



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: DECASTRO10

In re Application of:)	Art Unit: 3743
)	
Aurora L. FERNANDEZ-DECASTRO)	Examiner: A. M. RAGONESE
)	
Appln. No.: 10/659,325)	Confirmation No. 3767
)	
Filed: September 11, 2003)	Washington, D.C.
)	
For: MULTIPURPOSE MASK)	
)	

DECLARATION UNDER 37 CFR 1.131

Customer Window, Mail Stop
Honorable Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Crystal Plaza Two, Lobby, Room 1B03
Arlington, Virginia 22202

Sir:

Aurora L. Fernandez DeCastro, the applicant in the above-identified patent application, declares as follows:

1. That sometime prior to October 17, 2002, I conceived of a multipurpose protective mask covering at least the nose and mouth of the wearer to protect the wearer from environmental agents such as particulates and microorganisms.
2. That the mask in question included an aperture or orifice allowing the wearer to receive hydration or nourishment, which aperture can be covered in a variety of different ways to preserve the integrity or total closure of the mask when there is no need for hydration or nutrition. Copies of relevant notebook pages signed by applicant and witnessed by Mary A. Sproull, are attached hereto as Appendix A.
3. That prior to October 17, 2002, applicant contacted her patent attorney and requested a patentability

search on the mask as further evidence of diligence. A copy of the first page of the search report received from applicant's attorney is attached hereto As Appendix B.

Declarant further states that the above statements were made with the knowledge that willful false statements and the like so made are punishable by fine and/or imprisonment, under Section 1001 of Title 18 of the United States Code, and that any such willful false statement may jeopardize the validity of this application or any patent issuing therefrom.

Aurora L. Fernandez DeCastro
Aurora L. Fernandez DeCastro



BROWDY AND NEIMARK, P.L.L.C.

ATTORNEYS AT LAW

PATENT AND TRADEMARK CAUSES

SUITE 300

624 NINTH STREET, N.W.

WASHINGTON, D.C. 20001-5303

TELEPHONE (202) 628-5197

SHERIDAN NEIMARK
ROGER L. BROWDY

ANNE M. KORNBAU
NORMAN J. LATKER
DIANA MICHELLE SOBO
AOI NAWASHIRO
HEIDI M. STRUSE, PH.D.*

OF COUNSEL
IVER P. COOPER
JAY M. FINKELSTEIN

ALVIN BROWDY (1917-1998)

PATENT AGENT

ALLEN C. YUN, PH.D.

TELECOPIER FACSIMILE

(202) 737-3528

(202) 393-1012

E-MAIL

mail@browdyneimark.com

*ADMITTED IN FL (OMS)

OR TX (HMS) ONLY

PRACTICE SUPERVISED BY

PRINCIPALS OF THE FIRM

Aurora L. Fernandez deCastro, Ph.D.
P.O. Box 1984
Elkhart, IN 46515

Re: Patentability Search
FACE MASK
Our reference: S-DeCastro-1

Dear Aurora:

Thank you for your recent search request. In accordance therewith, we have now completed a patentability search regarding the above.

Briefly, the search was directed to individually wrapped face masks designed for use in airline cabins and other enclosed spaces. The masks contain no metal components, and are softer/more pliable around the nose area, so as to provide a more secure fit. The masks are held in place by an elastic band that fits around the wearer's ears. A flap or hole is provided at the mouthpiece to permit the wearer to sip drinks without removing the mask.

During the course of our search, the following patents were noted, copies of each of which are enclosed herewith. A search of the EPO, JPO, and U.S. Published Applications databases yielded no pertinent references.

Patent Number Date of Patent Inventor(s)

2,494,406 January 10, 1950 Reitano

50 YEARS

BROWDY AND NEIMARK